



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



271534

REPLY TO THE ATTENTION OF

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

SE-5J

Mr. Donald Schroud
1445 North State Parkway
Chicago, Illinois 60610

Re: **Request for Access to Conduct Preliminary Removal Assessment
pursuant to CERCLA Section 104(e)**

Dear Mr. Schroud:

It is our understanding that you are the property owner of an approximately 55-acre vacant parcel located between 126th Street and 130th Street, west of Avenue O, east of Torrance Avenue and immediately south of Wolf Creek in Chicago, Illinois (the Site). The Ford Motor Development area is across Wolf Creek. The Chicago Department of the Environment (CDOE) has referred the Site to the United States Environmental Protection Agency (U.S. EPA) Region 5 Emergency Response Branch for a time critical removal assessment pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. § 9601 et seq (CERCLA). A Phase II environmental report supplied by CDOE documents the presence of hazardous levels of lead at the property, along with elevated levels of arsenic, selenium, chromium, benzene, and polynuclear aromatic hydrocarbons (PAHs). Access to the Site is currently unrestricted and it has been reported that the property is being used as a recreation area for all-terrain vehicles.

Based on this information and pursuant to its authority under Section 104 of CERCLA, U.S. EPA has determined that it is necessary to conduct a time critical removal assessment, including inspection of the Site and collection of samples from the Site, to determine the presence of environmental conditions that might pose a danger to the environment or human health, and warrant a removal action.

The following narrative summarizes for you the authority given to U.S. EPA and its contractors to enter and investigate privately-owned property.

Under Section 104(e) of CERCLA, any duly designated officer, employee or representative of the U.S. EPA is authorized to enter

any property where entry is needed to determine whether response actions under CERCLA is necessary. If consent to enter the property at reasonable times is not given when requested by the U.S. EPA officer employee or representative, U.S. EPA may issue an administrative order directing compliance with the request. Alternatively, U.S. EPA may seek a warrant authorizing access to the property in question, or a court order enjoining any interference with the U.S. EPA or representative's right to enter the property.


Section 104(e) authorizes U.S. EPA and its designees to enter property without the owner's consent when entry is necessary to determine the need for response or choosing or taking a response action or otherwise enforcing CERCLA where there is reason to believe there may be a release or a threatened release of a hazardous substance, pollutant or contaminant. However, as in this case, it is the U.S. EPA's practice to seek the owner's consent before resorting to formal enforcement mechanisms.

U.S. EPA anticipates that the time critical removal assessment would be conducted within approximately two to three weeks and would take approximately one to two days to complete. Following the time critical removal assessment, U.S. EPA Region 5 will make a determination concerning the conditions present at the site and contact you to discuss the situation.

Enclosed is a consent for access for your signature. This consent for access provides U.S. EPA and its representatives with the access needed to perform the necessary investigatory activities. Please sign this consent for access and return it to me as soon as possible, but no later than **September 6, 2002**. In addition to mailing the original signed consent to my attention at the above mailing code and address, please send a copy of the signed consent for access via facsimile no later than **September 6, 2002** to the attention of Randa Bishlawi, Associate Regional Counsel, at (312) 886-7160.

Please contact me at (312) 886-6436 or Randa Bishlawi at (312)886-0510, if you have any questions concerning this matter. Thank you for your cooperation.

Sincerely yours,



Michael Collins
On-Scene Coordinator
U.S EPA Emergency Response Branch, Region 5

Enclosure

cc: Randa Bishlawi, U.S. EPA ORC, C-14J
Milagros Bensing, U.S. EPA SE-5J
Kelly S. Kennoy, Chicago Department of Environment